

CARMEL PLAN COMMISSION

September 21, 2004

MEMORANDUM OF MEETING

Plan Commission members in attendance: Stephanie Blackman (late arrival;) Jerry Chomanczuk; Leo Dierckman; Dan Dutcher (late arrival;) Wayne Haney; Dianna Knoll; Mark Rattermann; Rick Ripma; Steve Stromquist; Madeleine Torres; Susan Westermeier

DOCS Staff in attendance: Mike Hollibaugh, Director; Jon Dobosiewicz; Adrienne Keeling. Legal Counsel John Molitor also present

Minutes from August 17, 2004 meeting approved as submitted

G. Reports, Announcements, & Department Concerns

The Department requested a tabling of item 9h Elliot's Mohawk Place to October 19, 2004 Plan Commission meeting. Item 2i, North Meridian Medial Pavilion remains at Committee level. The Department asks that this item be continued and considered on October 5, 2004 prior to Committee meetings—all Commission members should arrive at 6:30 PM and be prepared to take final action on North Meridian Medical Pavilion, Docket No. 04050053 DP/ADLS

Jerry Chomanczuk made formal motion to Table Docket No. 04080047, Elliot's Mohawk Place to October 19, 2004, and Docket No. 04050053 to October 5, 2004 at 6:30 PM, seconded by Steve Stromquist Approved 9-0.

H. <u>Public Hearings</u>:

1h. Docket No. 04070034 Z: Traditions on the Monon PUD

The applicant seeks to rezone approximately 11 acres from R-1/Residence and B-2/Business Classifications to PUD/Planned Unit Development. The site is located northwest of 136th Street and Range Line Road.

Filed by Jim Shinaver of Nelson & Frankenberger for Buckingham Properties, Inc.

Present for Petitioner: Jim Shinaver, attorney; David Leazenby, Buckingham Properties; Gary Murray, Mid Sates Engineering; Sean Sullivan, Centex Homes

Note: Public Hearing Remains Open

No Remonstrance

Disposition: Referred to Subdivision Committee for further review on October 5, 2004 at 7:00 PM.

2h. Docket Nos. 04070035 Z and 04070036 DP/ADLS: Monon & Main PUD

The applicant seeks to rezone approximately 4 acres from B-1/ and B-3/Business Classifications within the Old Town Character Sub-area to PUD-Planned Unit Development and create a live-work development. The site is located at 320 West Main Street.

Filed by Jim Shinaver of Nelson & Frankenberger for Eden Land Company, Inc.

Present for Petitioner: Jim Shinaver, attorney; David Laezenby, Buckingham Properties; Gary Murray, Mid States Engineering

Remonstrance/Favorable

Pat Robinson, 3277 Smokey Ridge Circle, Carmel—owns three adjoining parcels and is very much in favor of this proposal that is a good transition for all concerned

Remonstrance/Unfavorable

Margaret Murphy, 235Halldale, travels Fourth Avenue every day is opposed to this development due to existing extreme traffic at Main Street in this area and lack of parking; pedestrian traffic is at risk. This area is very busy with school buses traveling to the High School and Carmel Junior High School—the roundabout does not accommodate buses or moving vans and accidents will result.

Note: Public Hearing Closed

Disposition: Referred to the Subdivision Committee for further review on October 5, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

3h. Docket No. 04070033 DP/ADLS: Medical Office Building

The applicant seeks approval for a medical office building. The site is located at 10801 North Michigan Road. The site is zoned B-2/Business within the US 431 Overlay Zone.

Filed by Mary Solada of Bingham McHale for BW Partners.

Present for Petitioner: Mary Solada, attorney, Bingham McHale, 2700 Market Tower, Indianapolis; Glenn Hoage and Ross Goyer, Bremner & Wiley; Tom McLaughlin, Duke Realty, Brent Davis, CSO Architects; Gordon Crites, Stoeppelwerth Engineering; Greg Ewing, land planner at Bingham, McHale.

Remonstrance/Favorable:

Stephen Sanders, 10739 Gettysburg Place, vice pres., The Westons HOA stated the homeowners have met with Duke Realty and representative from Bingham, McHale. The residents of The Westons are in favor of this proposal and are still in negotiations on some issues; however, those issues should be resolved soon.

Note: Public Hearing Closed

Department referred to four items outstanding in the Department Report, three of which have been discussed with the petitioner. The Committee should look closely at Signage: level of illumination, style, design, etc. A recommendation will be forwarded to the BZA for final action on the variance request.

Disposition: Forwarded to the Special Study Committee for further review on October 5, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

4h. Docket No. 04080014 DP Amend: Kite Medical Office Complex, Phase 2
The applicant proposes a medical office building. The site is located northeast of 126th Street and US Highway 31, at the 13000 Block of N. Pennsylvania St. The site is zoned B-2/Business within the US 31 Overlay Zone.
Filed by Paul Reis of Drewry Simmons Vornehm, LLP for Kite Companies.

Present for Petitioner: Paul Reis, attorney; Eric Strickland, Kite Companies; Greg Snelling, site engineer with Woolpert; Mark Monroe, attorney, Drewry Simmons

Petitioner requests Suspension of the Rules of Procedure

No Remonstrance

Jerry Chomanczuk, Motion to Suspend Rules of Procedure, seconded by Wayne Haney, Approved 9-0

Jerry Chomanczuk moved for approval of Docket No. 04080014 DP Amend, Kite Medical Office Complex, Phase 2, seconded by Wayne Haney and Approved 9-0

Disposition: Approved 9-0

5h. Docket No. 04080015 PP Amend: Heather Knoll Subdivision

The applicant seeks to amend the initial primary plat to become 159 total lots on 76.994 acres±. The site is located northwest of 141st and Towne Rd. The site is zoned S-1/Residence-ROSO.

Filed by Dennis Olmstead of Stoeppelwerth & Assoc. for Pittman Partners.

Present for Petitioner: Steve Pittman, Neal Smith

No Remonstrance

Note: Public Hearing Closed

Madeleine Torres moved to Suspend the Rules of Procedure, seconded by Jerry Chomanczuk, approved 10-0

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Madeleine Torres moved for approval of Docket No.04080015 PP Amend, Heather Knoll Subdivision, seconded by Jerry Chomanczuk, Approved 10-0

Disposition: Approved 10-0

6h. Docket Nos. 04030047 DP/ADLS and 04030048 Z:

North Augusta, Sec 1, lots 10pt-11 and Sec 2, Lot 39:

My Three Sons Ventures, LLC

The applicant proposes a retail building development and rezoning lot 39 from S-1/Residence to Business. The site is located southeast of 97th Street & Michigan Rd. The site is zoned B-2/Business and S-1/Residence within the US 421 Overlay Zone.

Filed by Chris McComas of Advocati, LLC.

Present for Petitioner: Chris McComas, Advocati, LLC.

Remonstrance/Unfavorable:

Amber Carson, 3722 West 98th Street, states this is a high traffic area and the proposal offers no buffer, no protection for existing/adjacent residential

Note: Public Hearing Remains Open

Disposition: Forwarded to Special Study Committee for further review on October 5, 2004 at 7:00PM in the Caucus Rooms of City Hall

7h. Docket Nos. 04080046 OA:

Amendment, Historic Structures & Sites - Warren House

The applicant seeks to amend Chapter 7.05.09: *Historic Structures & Sites* of the Carmel/Clay Subdivision Control Ordinance.

Filed by the Carmel Department of Community Services.

Present for Petitioner: Adrienne Keeling, DOCS –proposal will add the Warren House to the official inventory of historic structures

No Remonstrance

Public Hearing Closed

Note of Interest:

Jack L. Edwards, 10475 Cornell Avenue, Home Place, stated the Warren House is located at 1225 East 116th Street, just west of the Monon. The Warren House was built circa 1850 by Daniel Warren, one of the founders of Carmel, and is a valuable time-link between present day and the founding of Carmel.

Jerry Chomanczuk moved to Suspend the Rules of Procedure, seconded by Dianna Knoll, approved 10-0

Jerry Chomanczuk moved for approval of Docket No. 04080046 OA, Amendment, Historic Structures & Sites – Warren House, seconded by Dianna Knoll, Approved 10-0

Note: Enter Stephanie Blackman, exit Wayne Haney

8h. Docket No. 04080048 Z: Carmel Dr - Range Line Rd Overlay: Rezone
The applicant seeks to rezone multiple parcels from I-1/Industrial, B-8/Business, B-8/Business, B-7/Business, B-3/Business, B-2/Business, B-1/Business, R-4/Residence, and R-1/Residence District Classifications to the I-1/Industrial-Carmel Drive-Range Line Rd Overlay, B-8/Business- Carmel Drive-Range Line Rd Overlay, B-7/Business- Carmel Drive-Range Line Rd Overlay, B-7/Business- Carmel Drive-Range Line Rd Overlay, B-2/Business- Carmel Drive-Range Line Rd Overlay, B-1/Business- Carmel Drive-Range Line Rd Overlay, R-4/Residence- Carmel Drive-Range Line Rd Overlay, and R-1/Residence- Carmel Drive-Range Line Rd Overlay District Classifications. The parcels are located along Range Line Rd and Carmel Drive.
Filed by the Carmel Department of Community Services.

Present for Petitioner: Michael Hollibaugh, Director, Department of Community Services

Note: 25 days Public Notice required, 21 days given. Motion to Suspend the Rules of Procedure required in order to hear this item.

Mark Rattermann moved to suspend the Rules of Procedure as they apply to Public Notice, seconded by Dianna Knoll, approved 10-0

Note: Public Hearing Will Remain Open

Remonstrance/Unfavorable:

Dave Coots, attorney, Coots Henke & Wheeler, 255 East Carmel Drive, owner of property located in the proposed Overlay Zone, stated the zoning area does not yet exist and the Overlay proposal is felt to be premature. This item was presented to Subdivision Committee over a series of months and meetings. Would like debate before the full Commission before the affected properties are subjected to being put into this zone classification. Again, would prefer the Ordinance be established before properties are zoned to this classification.

Paul Reis, attorney, 8888 Keystone Crossing, represents several property owners in the affected area. Most of the meetings dealt with the text of the proposed Ordinance. The map submitted with the notice was not prepared with input from property owners and other affected persons. This proposal deserves more input—Mr. Reis recommended establishing a Task Force to address marketing issues, use issues, etc.

Rex Beach, residential property owner at 321 South Range Line Road, said very little notice was given to property owners and the process is difficult to follow along. Mr. Beach said he was also notified of the proposal by the Chamber of Commerce and received helpful information from them. Mr. Beach said the proposal covers a very diverse area and recommended the Commission gather comments and input from the property owners and residents of the affected area. This is not a "one size fits all" and would make sense to have different types of zoning regulations in different areas—some areas, it would not make a lot of sense.

Kevin O'Malia, 220 South Range Line Road, owner of O'Malia's Fireplace Shop, stated the Overlay hampers expansion—would like to see some major change in the proposal to allow small businesses to continue and grow.

Terry McMillan, property owner at 1037 South Range Line Road, has lots of questions about the Overlay proposal.—there seems to be a lot of restrictions. The minimum building size of 5,000 square feet, the requirement of a two-story structure, parking, certain restrictions on green space and trees and plantings—makes him wonder if he could ever put a building on his property if he chose to do so and meet all those restrictions. Most business owners want a building that adequately reflects their business—there is little understanding as to why this position would be changed to be more restrictive to the properties, regardless of size.

Note: The Public Hearing Remains Open

Disposition: Referred to the Special Study Committee for further review on October 5, 2004 at 7:00 PM in the Caucus Rooms of City Hall

9h. Docket No. 04080047 Z: Elliot's Mohawk Place

The applicant seeks to rezone 1 parcel from the I-1/Industrial District to the C-1/City Center Zoning Classification. The site is located at the northwest corner of Range Line Rd and Center Dr (126th St).

Filed by the Carmel Department of Community Services.

TABLED to October 19, 2004

I. Old Business:

1i. Docket No. 04050028 DP/ADLS: Walnut Creek Marketplace (now known as West Carmel Marketplace)

The applicant proposes a retail center. The site is located northeast of 99th Street and Michigan Rd/US 421. The site is zoned B-3/Business and B-2/Business within the US Highway 421 Overlay.

Filed by Mary Solada of Bingham McHale for Duke Realty.

Present for Petitioner: Mary Solada, attorney, Bingham McHale, 2700 Market Tower, Indianapolis; Cindy Schembre and Bridgett Ferrin, Tom McLaughlin, Duke Realty; Steve Fehribach, A & F Engineering; Greg Snelling, Woolpert & Assoc.; Brent Davis, CSO, project

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architect; Gren Ewing, Bingham, McHale

Also in attendance on behalf of the Department was John Myers, traffic consultant with HNTB 111 Monument Circle, Indianapolis

Jerry Chomanczuk moved for approval of Docket No. 04050028 DP/ADLS, West Carmel Marketplace, subject to acceptance of 10 commitments submitted in writing and noted as a part of the petition, seconded by Dan Dutcher, Approved 9 in favor, 1 opposed (Rattermann)

Disposition: Approved 9-1 (Rattermann)

2i. Docket No. 04050053 DP/ADLS: North Meridian Medical Pavilion

The applicant seeks approval for a medical/office building. The site is located northwest of Old Meridian Street and Meridian Street (US 31). The site is zoned B-3 and B-6/Business, within the US 31 Overlay Zone. Filed by Tom Eagley of Lauth Property Group.

CONTINUED to October 5, 2004 at 6:30 PM prior to Committee meetings

3i. Docket No. 04060029 PP: LongRidge Estates

The applicant seeks to plat a residential subdivision of approximately 180 lots on 127.57± acres. The petitioner also seeks the following subdivision waivers: **Docket No. 04060030 SW** SCO 7.02 open space requirements **Docket No. 04060031 SW** SCO 6.04.01 block length

The site is located on southeast of West Rd and 141st Street. The site is zoned S-1. Filed by Dennis Olmstead of Stoeppelwerth & Associates for Pittman Partners.

Present for Petitioner: Steve Pittman and Neal Smith, Pittman Partners; Gordon Crites, Stoeppelwerth & Assoc.

Also in attendance: Liz Hobbs, attorney, Krieg DeVault, 12800 North Meridian Street, Carmel representing Jim and Marsha Henry, property owners to the north of the proposed development. Concerns have been addressed in a written, formal Agreement

Stephanie Blackman moved for approval of **Docket No. 04060029 PP**, **LongRidge Estates** subject to the recording of written commitments regarding road improvements and the inclusion of the Agreement between Pittman Partners and Jim & Marsha Henry into the public record. The Motion is to also include Waivers cited as Docket No. 04060030 SW and 04060031 SW, seconded by Madeleine Torres, Approved 10-0

Disposition: Approved 10-0 with commitments as aforesaid

4i. Docket No. 04060032 PP: The Lakes at Towne Road

The applicant seeks to plat a residential subdivision of approximately 54 lots on $40.39\pm$ acres. The site is located on southwest of Towne Rd and 136th St. The site is zoned S-1/Residence-Estate.

Filed by Dennis Olmstead of Stoeppelwerth & Associates.

Present for Petitioner: Sheldon Phelps, 4773 Austin Trace, Zionsville

Dan Dutcher moved for approval of Docket No. 04060032 PP, The Lakes at Towne Road, seconded by Rick Ripma, Approved 10-0.

Disposition: Approved 10-0

5i. Docket No. 04060027 PP Amend: Little Farms Addition, replat of lots 31-33

The applicant seeks to replat 3 platted residential lots into 9 lots. The site is located northeast of E. 104th St. and Ethel St. The site is zoned R-3/Residence. Filed by Chris Badger of Badger Engineering for Carmel Development LLC

Present for Petitioner: Chris Badger, Badger Engineering, 117 West Elm, Lebanon, Indiana

Public Input: Pat Robinson, 3277 Smokey Ridge Circle, property owner, had submitted a request to shift the building on the proposed development because lights from on-coming traffic will shine into bedroom windows.

Rick Ripma moved for approval of Docket No. 04060027 PP Amend, Little Farms Addition, replat of lots 31-33, seconded by Madeleine Torres, Approved 9 in favor 1 opposed (Dierckman)

Disposition: Approved 9-1 (Dierckman)

6i. Docket No. 04010027 OA:

Proposed Chapter 23F: Range Line Road /Carmel Drive Overlay Zone

The petitioner seeks to add new provisions regarding development standards for properties along portions of Range Line Road and Carmel Drive to the Zoning Ordinance.

Filed by the Department of Community Services.

Present for Petitioner: Mike Hollibaugh, Director of Community Services

Public Remonstrance/Unfavorable

Dave Coots, 255 East Carmel Drive, said the proposal does not fit the area and imposes additional regulations on existing properties—suggests Overlay be restricted where property owners propose either to build or raze an existing facility.

Paul Reis, attorney, 8888 Keystone Crossing, Suite 1200, Indianapolis, representing property owners in the area. Request: Consider a Task Force for this proposal. Current uses in area may be

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eliminated if redevelopment were to occur. Also, small lot developments should be considered as well as significant traffic issues.

Larry Kemper, attorney, Nelson & Frankenberger representing Kroger Supermarket on Range Line Road. Of primary concern is re-building after a catastrophic event and possibly replacing the entire store—new requirements would impose a burden and render the site unusable.

Bill Wiggam, Carmel Welding, 550 South Range Line Road, Carmel—what is in place works—the proposal is of no benefit to the existing business owners in this area.

David Fineberg, Range Line Road and Carmel Drive property owner agreed with previous speakers, also expressed concern about having to rebuilt from the ground up—cost is definitely an issue, especially with small developers. There is no additional parking with this proposal—parking needs to be addressed.

No Additional Public Input Offered

Stephanie Blackman moved to forward Docket No. 04010027 OA, Proposed Chapter 23F, Range Line Road/Carmel Drive Overlay Zone to the City Council with a favorable recommendation, seconded by Dan Dutcher. The vote was 5 in favor, 5 opposed (Dutcher, Ripman, Torres, Stromquist, Knoll) No Recommendation Vote

Mark Rattermann moved to forward Docket No. 04010027 OA to the City Council with no recommendation, seconded by Dan Dutcher, Approved 10-0.

Disposition: Forward to City Council with a No Recommendation Vote.

J. New Business

K. Adjournment

Adjourned at 10:47 PM